

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

ROBERT HENSON,

Petitioner,

v.

CIVIL ACTION NO. 5:14-cv-19118

JOE COAKLEY,

Respondent.

MEMORANDUM OPINION AND ORDER

On June 23, 2014, the Petitioner, acting *pro se*, filed a *Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241* (Document 1). By *Standing Order* (Document 4) entered on July 9, 2014, the matter was referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636.

On May 19, 2017, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 14) wherein it is recommended that this Court dismiss the Petitioner's 2241 Petition and this civil action for lack of jurisdiction. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by June 5, 2017, and none were filed by either party.


The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation

to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Petitioner's *Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241* (Document 1) and this civil action be **DISMISSED for lack of jurisdiction**, and that this matter be **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Tinsley, counsel of record, and any unrepresented party.

ENTER: June 8, 2017


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA